

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTES
BOSTON DIVISION

JESSE WILSON
Defendant

:

CASE NO. 05-10218-01-RCL

V.

:

(JUDGE REGINALD C. LINDSAY)

UNITED STATES OF AMERICA

:

:

MOTION TO CORRECT THE SENTENCE TO BE
SERVED

Now comes the Defendant Jesse Wilson, who will be addressed as the Defendant Wilson, in this motion.

Defendant Wilson, say to wit : That, because of the Courts decision to sentence the Defendant to a sentence above the (USSG) range of 96 Months gives reason to question the Courts authority to go over the guideline range of 50 Months.

In the case of WILSON V. UNITED STATES, Case No : 05-CR 10218-01.... RCL. The Defendant guideline range was 36 to 46 Months. Defendant was indicted on one count indictment for violation of Title 18 U.S.C. 922 (g)(1) (Felon in Possession of a Firearm.

REASON (S)

The sentencing court, sentenced the Defendant Wilson, to 96 Months..

....which is 50 months above Defendant Wilson, guideline range. The fact that the sentencing court did pursue this amount of time in the defendant Wilson, case it does affect the interest of justice and that it could... be classified as a miscarriage of justice...citing : BLAKELY V. WASHINGTON 542 U.S. 296, 159 L.ed 2d 403 (2004) (the State of Washington ruled when a judge, imposed a sentence greater than the maximum under statutory standard range, the judge has to setforth findings of the facts and conclusions of law supporting exceptional sentence). In the Defendant Wilson, case Judge Lindsay, didn't base (H)is, decision upon law, (2) A reviewing court would reverse the sentence " if " the Court, found that under a clearly erroneous standard there was insufficient evidence in the record to support the reason for imposing an exceptional sentence. Thus, it is with respect to the Honorable Judge Lindsay, and the Honorable Bench that.. the Defendant Wilson, request that this District Court, apply the correct guideline to the Defendant Wilson, sentence and allow the sentence to fall within the correct guideline range. Defendant Wilson, is a level 17, and a catagory 4 which is 36 to 46 Months.

The Supreme Court of the United States, in BLAKELY V. WASHINGTON 542 U.S. 296 (2004), determine that :

When a judge imposes a sentence greater than the maximum under statutory standard range, the judge has to set-forth finding of the facts and conclusions of law supporting...exceptional sentence.

In the Defendant Wilson, case Judge Lindsay didn't base his decision upon Federal law as determined by the Supreme Court of the United States, amounted to an objectively unreasonable application of BLAKELY V. WASHINGTON, 542 U.S. 296 (2004) :

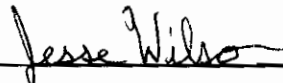
The accused's argument that his sentencing procedure had deprived him of his Federal Constitutional right to have a jury determine beyond a...reasonable doubt all **facts** legally essential to his sentence....REVERSED

Defendant Wilson, contents that, since the Federal Court could not apply the Armed Career Criminal Act, guideline the District Court, impermissably took the opportunity to sentence the Defendant Wilson, as close to the career offender guideline as possible. This is not something that the District Court, can implement as it feels because of the fact that the person whom is being tried by the Court should be classified as a career... offender. BLAKELY V. WASHINGTON, 542 U.S. 296 (2004. Because, Defendant Wilson, had pending cases in other Courts (Fall River Massachusettes Court) " this " was another reason that the Court did sentence the Defendant Wilson, above the guideline range. However, as of the 3rd day of June 2008, those pending cases were dismissed by the Honorable Judge Nedeua Jr. The Defendant Wilson, respectfully request this Honorable United States District.... Court to if this motion is not accepted as a Motion to Correct the Sentence of the Defendant Wilson, then with respect to the Honorable Court, to have this Motion reclassified as an appeal to the Appellate Court for correction of the Defendant Wilson sentence.

CONCLUSION

To have this issue corrected by the correct division of the Federal Court, system. Thus allowing the Defendant Wilson, sentence to fall within the correct guideline range that is instructed by the sentencing commission and not fall in an unauthorized range, because of as the Honorable Judge R.C. Lindsay, stated " Proposition or Epidemic in the Urban area. Wherefore... the foregoing reason, Defendant Wilson, respectfully request that (H)is Motion be granted... HANIES V. KERNER, 404 U.S. 519 (1971).

RESPECTFULLY SUBMITTED



Jesse Wilson, Reg. No. 25790-038
P.O Box 1000
Cumberland Maryland, 21501-1000

DATE 8-04-08

FCI-ED

PROOF OF SERVICE

I certify that on 8-4-08 (date) I mailed a copy of this brief and all attachments via first class mail to the following parties at the addresses listed below:

Clerks Office: Also D.A. Office Mr. Balthazar
United States District Court
District of Massachusetts
U.S. Federal Courthouse
408 Atlantic Ave.
Boston, Ma 02210

PROOF OF SERVICE FOR INSTITUTIONALIZED OR INCARCERATED LITIGANTS

In addition to the above proof of service all litigants who are currently institutionalized or incarcerated should include the following statement on all documents to be filed with this Court:

I certify that this document was given to prison officials on 8-4-08 (date) for forwarding to the Court U.S. District I certify under penalty of perjury that the foregoing is true and correct. 28 U.S.C. §1746.

Jesse Wilson
Signature

Dated: 8-4-08